

Moreover, Applicants wish to point out that inconsistent positions taken by successive Examiners on the referenced patent application have resulted in piecemeal examination and several months delay. This is the second restriction requirement in the referenced patent application. Applicants provided a full response to the first restriction requirement, electing not only an invention but also a specific species for examination. This response was deemed to result in the election of an invention that was still too broad to search, and thus the second restriction requirement was issued. More than three months have elapsed between restriction requirements. The Examiner is urged to contact the undersigned *via telephone* if any further restrictions will be required in this case, so that prosecution may proceed more quickly and without additional delays.

If there are any issues outstanding after consideration of this election, the Examiner is invited to contact the undersigned to expedite prosecution of this case.

Attorney for Applicants can be reached at the telephone number and address below. Correspondence should continue to be sent to the address below. Although no fees are believed to be due, any fees occasioned by this paper or any fee overpayments should be charged or credited to Deposit Account **13-2755**.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

**MERCK & CO., INC.**

By *A. Reynolds* Date 8.1.07

Date: August 1, 2007

Respectfully submitted,

By: *David Rubin*

David Rubin  
Registration Number 40,314  
Attorney for Applicants

MERCK & CO., Inc.  
P.O. Box 2000  
Rahway, New Jersey 07065-0907  
(732) 594-2675